

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE: COOK MEDICAL, INC, IVC FILTERS
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Case No. 1:14-ML-2570-RLY-TAB
MDL No. 2570

This Document Relates to Plaintiff(s)

Yvette Cardoso

Civil Case # 1:21-cv-3123

SHORT FORM COMPLAINT

COMES NOW the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2570 by reference (Document 213). Plaintiff(s) further show the court as follows:

1. Plaintiff/Deceased Party:

Yvette Cardoso

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state of residence at the time of implant:

Florida

5. Plaintiff's/Deceased Party's state of residence at the time of injury:

Florida

6. Plaintiff's/Deceased Party's current state of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:

Florida Middle District Court - Tampa, FL

8. Defendants (Check Defendants against whom Complaint is made):

- ☒ Cook Incorporated
- ☒ Cook Medical LLC
- ☒ William Cook Europe APS

9. Basis of Jurisdiction:

- ☒ Diversity of Citizenship
- ☐ Other: _____

a. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

9 through 20

b. Other allegations of jurisdiction and venue:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim

(Check applicable Inferior Vena Cava Filters):

- ☐ Günther Tulip® Vena Cava Filter
- ☒ Cook Celect® Vena Cava Filter
- ☐ Gunther Tulip Mreye

☐ Cook Celect Platinum

☐ Other: _____

11. Date of Implantation as to each product:

3/14/2016

12. Hospital(s) where Plaintiff was implanted (including City and State):

Northside Hospital & Heart Institute, St. Petersburg, FL

13. Implanting Physician(s):

Jean Delbrune MD

14. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Failure to Warn

☒ Count II: Strict Products Liability – Design Defect

☒ Count III: Negligence

☒ Count IV: Negligence Per Se

☒ Count V: Breach of Express Warranty

☒ Count VI: Breach of Implied Warranty

☒ Count VII: Violations of Applicable Florida (insert State)

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

☐ Count VIII: Loss of Consortium

☐ Count IX: Wrongful Death

☐ Count X: Survival

☒ Count XI: Punitive Damages

☐ Other: _____

☐ Other: _____

15. Attorney for Plaintiff(s):

Fears Nachawati, PLLC – Kelly Chermack and Gibbs C. Henderson

16. Address and bar information for Attorney for Plaintiff(s):

5473 Blair Road, Dallas, TX, 75231

Kelly Chermack - Texas Bar No. 24121361

Gibbs C. Henderson - Illinois Bar No. 6314687

Respectfully submitted,

/s/ Kelly Chermack

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CERTIFICATE OF SERVICE

I hereby certify that on 12/30/2021, a copy of the foregoing was served electronically and notice of the service of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system.

/s/ Kelly Chermack

Kelly Chermack